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EXAMINER

MCHENRY, KEVIN L

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,707

Applicant(s)

GROTHE, HORST

Examiner

Kevin L McHenry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 5a, 2, 11a, 202a, 202b, 302b, and 30a. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 40a, 41a, 42a, 43a, 44a, 32b, 72b, 82b, 141a, 31b, 311a, 312a, 311b, 312b, 502, and 504. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The abstract of the disclosure is objected to because the abstract is too long and should be less than 150 words. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

On page 2, lines 5-6, the specification refers to the claims

On page 5, line 1, 2 should be "2a"

On page 6, line 27, 11a should be "111a"

On page 8, line 26, 30a should be "305a".

Appropriate correction is required.

### ***Claim Objections***

5. Claim 6 is objected to because of the following informalities:

In claim 6, lines 4-5, the language "two lifting platform elements arranged" is used. It appears that an "are" should be between "elements" and "arranged".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the respectively overlapping upper and lower ends" in line 12. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner interpreted this language to mean "respectively overlapping upper and lower ends".

Claim 7 recites the limitation "the foot area" in line 3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes the examiner interpreted this language to mean "a foot area".

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Thöne et al. (U.S.P. 5,642,769).

Thöne et al. teaches a device for the continuous casting of metal that includes a lift platform formed by mold flange that is driven by an oscillating device, such as a pulsator, a continuous casting mold that is received in the lift platform, and a stationary support frame, namely a supported beam, that has guiding elements for the lifting platform that serve as a pressure-controlled cushion system. In particular, disc-shaped springs are taught by Thöne et al. to serve as a pressure-controlled cushion system (see U.S.P. 5,642,769; particularly Figure 1; column 3, lines 2-48).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Schallenberg (U.S.P. 6,167,941).

Schallenberg teaches a device for the continuous casting of metal that includes a lift platform formed by support frame that is driven by an oscillating device, such as a hydraulic cylinder, a continuous casting mold that is received on the lift platform, and a stationary support frame, namely a fixed vertical beam, that has guiding elements for the lifting platform that serve as a pressure-controlled cushion system. In particular, hinge joints composed of leaf-spring hinges are taught by Schallenberg to serve as a pressure-controlled cushion system (see U.S.P. 6,167,941; particularly Figures 1 and 2; column 4, lines 31-67; column 5, lines 1-10).

***Allowable Subject Matter***

12. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
13. Claims 3-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a device for the continuous casting of metal that includes a lifting platform driven by an oscillating drive, a continuous casting mold received on the lifting platform, a stationary support frame with guiding or bearing elements for the lifting platform that are composed of an elastic spring system comprised of two spring legs arranged angularly to one another so that

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the spring legs extend perpendicularly to the oscillation direction in the shape of a tuning fork, wherein upper and lower ends of the spring legs support the lifting platform or connect with the support frame and the spring system compensates loads in the oscillation direction and directions perpendicular to the oscillation direction.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zajber et al. (U.S.P. 6,138,743), Grothe (U.S.P. 6,079,478), and Von Wyl et al. (U.S.P. 5,201,909) are cited of interest for illustrating the state of the art in continuous casting mold support design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L McHenry whose telephone number is (703) 305-9626. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



April 7, 2003



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